## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : J. Kevin Day et al.

Application No. : 10/581,224 Filed : June 1, 2006

For : METHODS AND NUCLEIC ACIDS FOR THE ANALYSIS OF

GENE EXPRESSION ASSOCIATED WITH THE DEVELOPMENT

OF PROSTATE CELL PROLIFERATIVE DISORDERS

Art Unit : 1634

Examiner : Not yet assigned

Docket No. : 47675-194

Date : July 9, 2007

Filing Receipt Corrections Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## REQUEST FOR CORRECTED FILING RECEIPT AND NOTICE OF ACCEPTANCE

## Commissioner for Patents:

Attached are copies of the official (1) Filing Receipt dated July 3, 2008, and (2) Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 dated July 3, 2008, received from the PTO in the above-identified application, for which issuance of both a corrected Filing Receipt and a corrected Notice of Acceptance is respectfully requested.

## Filing Receipt

There is an error with respect to the following data, which is incorrectly entered. There is an error in the FILING or 371(c) DATE. This should read November 19, 2007, rather than October 19, 2007.

There is also an error with respect to the following data, which is incorrectly entered. There is an error in the filing date of Foreign Application EUROPEAN PATENT

OFFICE (EPO) 04090187.8. This should read May 10, 2004, rather than May 1, 2004.

## Notice of Acceptance

There is an error with respect to the following data, which is incorrectly entered. There is an error in the DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) AND (c)(4) REQUIREMENTS. This should read November 19, 2007, rather than October 19, 2007.

There is an error with respect to the following data, which is incorrectly entered. Under "The following items have been received," the date of filing of the Oath or Declaration, the Assignment, and the Power of Attorney should be November 19, 2007, rather than October 19, 2007.

## Conclusion

The corrections to be made have been marked in red on the enclosed copies of the Filing Receipt and Notice of Acceptance.

As evidence of the corrections Applicants are asking be made, enclosed are the following documents:

- The PTO Electronic Acknowledgement Receipt dated November 19, 2007, for the submission of the Oaths (2), Oath Surcharge Fee (\$65), and Supplemental Application Data Sheet (among other documents), the latter showing the filing date of priority document EP 04090187.8 as May 10, 2004;
- Copies of the Assignment Recordations showing a recording date of November 19, 2007;
- 3. The first page of PCT/US04/40289 showing the filing date of priority document EP 04090187.8 as May 10, 2004; and
- 4. The first two pages of EP 04090187.8, the second page showing the filing date of May 10, 2004.

The corrections are not due to any error by applicants and no fee is due.

Respectfully submitted,
J. Kevin Day et al.
DAVIS WRIGHT TREMAINE LLP

By /Barry L. Davison, Ph.D., J.D./ Barry L. Davison, Ph.D., J.D. Registration No. 47,309

## Enclosures:

Copy of Filing Receipt showing corrections to be made Copy of Notice of Acceptance showing corrections to be made Copy of PTO Electronic Acknowledgement Receipt Copies of Assignment Recordations (2) Copy of face page of PCT/US04/40289 (WO 2005/054517) Copy of first two pages of EP 04090187.8

1201 Third Avenue Seattle, WA 98101-3045 Phone: (206) 757-8023 Facsimile: (206) 757-7023



## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS PO. Box 1430 Alexandra, Jurginia 22313-1450 STATES PORTON OF THE PATENTS OF THE PATENTS OF THE PATENTS OF T

APPLICATION FILING or GRP ART FIL FEE REC'D ATTY.DOCKET.NO NUMBER 371(c) DATE UNIT TOT CLAIMS IND CLAIMS 10/19/2007 1634 10/581,224 2270 47675-194 47 9

11/19/2007

**CONFIRMATION NO. 1348** 

22504

11/1-1/20

**FILING RECEIPT** 

DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045



Date Mailed: 07/03/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

#### Applicant(s)

J. Kevin Day, Syracuse, UT;
 Susan Cottrell, Seattle, WA;
 Juergen Distler, Berlin, GERMANY;
 Andrew Morotti, Seattle, WA;
 Su Yamamura, Bellevue, WA;
 Sharon Dekker, Beaverton, OR;
 Yreka Ocampo, San Marcos, CA;
 Theo Devos, Seattle, WA;

## **Assignment For Published Patent Application**

Epigenomics AG, Berlin, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 22504

### Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/40289 12/01/2004

#### Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 03090414.8 12/01/2003 EUROPEAN PATENT OFFICE (EPO) 04090040.9 02/10/2004

EUROPEAN PATENT OFFICE (EPO) 04090187.8 05/01/2004

05/10/2004

EUROPEAN PATENT OFFICE (EPO) 04090292.6 07/21/2004

## If Required, Foreign Filing License Granted: 06/25/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 10/581,224

Projected Publication Date: 10/09/2008

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Methods and Nucleic Acids for the Analysis of Gene Expression Associated with the Development of Prostate Cell Proliferative Disorders

### **Preliminary Class**

435

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treatles and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

### LICENSE FOR FOREIGN FILING UNDER

## Title 35, United States Code, Section 184

## Title 37, Code of Federal Regulations, 5.11 & 5.15

#### **GRANTED**

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#### **NOT GRANTED**

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## United States Patent and Trademark Office

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY, DOCKET		Y. DOCKET NO.
10/581,224	J. Kevin Day		4	7675-194
22504		INTERN/	ATIONAL AP	PLICATION NO.
DAVIS WRIGHT TREMAINE, LLP/Seattle		. P	CT/US04	/40289
1201 Third Avenue, Suite 2200	RECEIVED	I.A. FILING	DATE	PRIORITY DATE
SEATTLE, WA 98101-3045		12/01/2	2004	12/01/2003

JUL 07 2008

**CONFIRMATION NO. 1348** 371 ACCEPTANCE LETTER



Date Mailed: 07/03/2008

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

11/19/2007

11/19/2007 DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- · Indication of Small Entity Status
- Copy of the International Application filed on 06/01/2006
- Copy of the International Search Report filed on 06/01/2006
- Copy of IPE Report filed on 06/01/2006
- 11/19/2007 • Oath or Declaration filed on 10/19/2007
- · Small Entity Statement filed on 06/01/2006
- U.S. Basic National Fees filed on 06/01/2006
- 11/19/2007 Assignment filed on 10/19/2007
- Priority Documents filed on 06/01/2006
- 11/19/2007 Power of Attorney filed on 10/19/2007
- Specification filed on 06/01/2006
- Claims filed on 06/01/2006
- Abstracts filed on 06/01/2006
- Drawings filed on 06/01/2006

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page 1 of 2

Applicant is reminded that any communications to the United States Patent and Trademark Office must b	e mailed
to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)	

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Telephone: (703) 308-9140 EXT 204

## **SUPPLEMENTAL APPLICATION DATA SHEET**

## **Application Information**

Application number::	10/581,224
Filing Date::	June 1, 2006
Application Type::	Regular
Subject Matter::	Utility
Suggested classification::	
Suggested Group Art Unit::	
CD-ROM or CD-R?::	
Number of CD disks::	
Number of copies of CDs::	
Sequence submission?::	
Computer Readable Form (CRF)?::	
Number of copies of CRF::	
Title ::	METHODS AND NUCLEIC ACIDS FOR THE ANALYSIS OF GENE EXPRESSION ASSOCIATED WITH THE DEVELOPMENT OF PROSTATE CELL PROLIFERATIVE DISORDERS
Attorney Docket Number::	47675-194
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	
Total Drawing Sheets::	8
Small Entity?::	Yes
Petition included?::	No
Petition Type::	
Licensed U.S. Gov't Agency::	No

Contract or Grant No:: Secrecy Order in Parent Appl.?:: No **First Applicant Information** Applicant Authority Type:: Inventor Primary Citizenship Country:: US Full capacity Status:: Given Name:: <u>J.</u> Middle Name:: **Kevin** Family Name:: Day Name Suffix:: City of Residence:: Syracuse 5 State or Province of Residence:: <u>UT</u> US Country of Residence:: Street of mailing address:: 3182 South 1075 West City of mailing address:: Syracuse State or Province of mailing address:: <u>UT</u> US Country of mailing address:: Postal or Zip Code of mailing address:: 84075 **Second Applicant Information** Inventor Applicant Authority Type:: Primary Citizenship Country:: US Full capacity Status:: Susan Given Name::

Middle Name::

Family Name::

Cottrell

Name Suffix:: Seattle City of Residence:: State or Province of Residence:: WA Country of Residence:: US Street of mailing address:: 522 NE 84th Street City of mailing address:: Seattle State or Province of mailing address:: WA US Country of mailing address:: Postal or Zip Code of mailing address:: <u>98115</u> Third Applicant Information Applicant Authority Type:: Inventor Primary Citizenship Country:: DE Status:: Full capacity Given Name:: Juergen Middle Name:: Family Name:: Distler Name Suffix:: City of Residence:: Berlin State or Province of Residence:: Country of Residence:: Germany Street of mailing address:: Herderstrasse 24 City of mailing address:: Berlin State or Province of mailing address:: Country of mailing address:: Germany Postal or Zip Code of mailing address::

12163

## **Fourth Applicant Information**

Applicant Authority Type::	Inventor
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Status::	Full capacity
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Middle Name::	
Family Name::	Morotti
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State or Province of Residence::	WA
Country of Residence::	US
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City of mailing address::	Seattle
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Country of mailing address::	US
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Applicant Authority Type::	Inventor
Primary Citizenship Country::	<u>US</u>
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Family Name::	Yamamura
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**Sixth Applicant Information** 

Applicant Authority Type:: Inventor

Primary Citizenship Country::

Status:: Full capacity

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Middle Name::

Family Name:: Dekker

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Country of mailing address:: US

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## **Seventh Applicant Information**

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Middle Name::	
Family Name::	<u>Ocampo</u>
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State or Province of Residence::	<u>CA</u>
Country of Residence::	US
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City of mailing address::	San Marcos
State or Province of mailing address::	<u>CA</u>
Country of mailing address::	US
Postal or Zip Code of mailing address::	92078
Eighth Applicant Information	
Applicant Authority Type::	Inventor
Primary Citizenship Country::	CA
Status::	Full capacity
Given Name::	Theo
Middle Name::	
Family Name::	Devos
Name Suffix::	
City of Residence::	Seattle
State or Province of Residence::	WA

Country of Residence::	US
Street of mailing address::	1208 NE 100 <sup>th</sup> Street
City of mailing address::	Seattle
State or Province of mailing address::	WA
Country of mailing address::	US
Postal or Zip Code of mailing address::	98125
Correspondence Information	
Correspondence Customer Number::	22504
Street of mailing address::	
City of mailing address::	
State or Province of mailing address::	
Country of mailing address::	
Postal or Zip Code of mailing address::	
Phone number::	206-757-8023
Fax Number:	
E-Mail address::	barrydavison@dwt.com
Representative Information	
Representative Customer Number::	22504

## **Domestic Priority Information**

Application ::	Continuity Type::	Parent Application::	Parent Filing Date::
This application	National stage of	PCT/US2004/040289	12/01/04

## **Foreign Priority Information**

Country::	Application number::	Filing Date::	Priority Claimed::
EP	03090414.8	12/01/03	Yes
EP	04090040.9	02/10/04	Yes
EP	04090187.8	05/10/04	Yes
EP	04090292.6	07/21/04	Yes

## **Assignee Information**

Assignee name::	Epigenomics AG
Street of mailing address::	Kleine Praesidentenstrasse 1
City of mailing address::	<u>Berlin</u>
State or Province of mailing address::	
Country of mailing address::	<u>DE</u>
Postal or Zip Code of mailing address::	10178

TO:BARRY L. DAVISON COMPANY:1201 THIRD AVENUE



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RECORDATION DATE: 11/19/2007 REEL/FRAME: 020135/0070 NUMBER OF PAGES: 7

NUMBER OF PAGES: /

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS). DOCKET NUMBER: 47675-194

ASSIGNOR:

DAY, J. KEVIN DOC DATE: 10/04/2007

ASSIGNOR:

COTTRELL, SUSAN DOC DATE: 10/11/2007

ASSIGNOR:

MOROTTI, ANDREW DOC DATE: 05/17/2007

ASSIGNOR:

YAMAMURA, SU DOC DATE: 05/16/2007

ASSIGNOR:

DEKKER, SHARON DOC DATE: 11/08/2007

ASSIGNOR:

OCAMPO, YREKA DOC DATE: 10/18/2007

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020135/0070 PAGE 2

ASSIGNOR:

DE VOS, THEO DOC DATE: 05/16/2007

ASSIGNEE:

EPIGENOMICS AG

KLEINE PRAESIDENTENSTRASSE 1

BERLIN, GERMANY 10178

SERIAL NUMBER: 10581224 FILING DATE: PATENT NUMBER: ISSUE DATE:

TITLE: METHODS AND NUCLEIC ACIDS FOR THE ANALYSIS OF GENE EXPRESSION

ASSOCIATED WITH THE DEVELOPMENT OF PROSTATE CELL PROLIFERATIVE

DISORDERS

ASSIGNMENT SERVICES BRANCH PUBLIC RECORDS DIVISION

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## PATENT ASSIGNMENT 11/19/2007 Electronic Version v1.1 500402181 Stylesheet Version v1.1 SUBMISSION TYPE: **NEW ASSIGNMENT** NATURE OF CONVEYANCE: **ASSIGNMENT CONVEYING PARTY DATA Execution Date** Name 10/04/2007 J. Kevin Day Susan Cottrell 10/11/2007 Andrew Morotti 05/17/2007 Su Yamamura 05/16/2007 Sharon Dekker 11/08/2007 10/18/2007 Yreka Ocampo 05/16/2007 Theo De Vos **RECEIVING PARTY DATA** Name: Epigenomics AG Street Address: Kleine Praesidentenstrasse 1 State/Country: FEDERAL REPUBLIC GERMANY Postal Code: 10178 PROPERTY NUMBERS Total: 1 Number **Property Type Application Number:** 10581224 **CORRESPONDENCE DATA** Fax Number: (206)757-7023 Correspondence will be sent via US Mail when the fax attempt is unsuccessful. Phone: 206-757-8023 Email: judyredmayne@dwt.com Correspondent Name: Barry L. Davison 1201 Third Avenue Address Line 1: Address Line 2: Suite 2200 Seattle, WASHINGTON 98101 Address Line 4: ATTORNEY DOCKET NUMBER: 47675-194

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TO:BARRY L. DAVISON COMPANY:1201 THIRD AVENUE

NAME OF SUBMITTER:	Barry L. Davison, Ph.D., J.D.	
Total Attachments: 5 source=47675_194_AGN1#page1.tif source=47675_194_AGN1#page2.tif source=47675_194_AGN1#page3.tif source=47675_194_AGN1#page4.tif source=47675_194_AGN1#page5.tif		

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### United States Patent and Trademark Office

Under Secretary of Commerce for Intellectual Property and DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



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REEL/FRAME: 020135/0090 RECORDATION DATE: 11/19/2007 NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS). DOCKET NUMBER: 47675-194

ASSIGNOR:

DOC DATE: 07/04/2007 DISTLER, JUERGEN

**ASSIGNEE:** 

EPIGENOMICS AG

KLEINE PRAESIDENTENSTRASSE 1

BERLIN, GERMANY 10178

SERIAL NUMBER: 10581224 FILING DATE: PATENT NUMBER: ISSUE DATE:

TITLE: METHODS AND NUCLEIC ACIDS FOR THE ANALYSIS OF GENE EXPRESSION ASSOCIATED WITH THE DEVELOPMENT OF PROSTATE CELL PROLIFERATIVE

**DISORDERS** 

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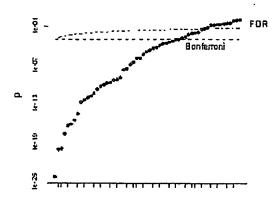
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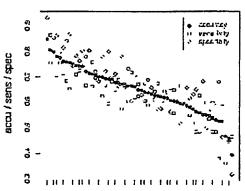
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(57) Abstract: The following application provides methods and nucleic acids for the detection of and/or differentiation between prostate cell proliferative disorders. This is achieved by the analysis of the expression status of a panel of genes, or subsets thereof.

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Die angehefteten Unterlagen stimmen mit der ursprünglich eingereichten Fassung der auf dem nächsten Blatt bezeichneten europäischen Patentanmeldung überein.

The attached documents are exact copies of the European patent application described on the following page, as originally filed.

Les documents fixés à cette attestation sont conformes à la version initialement déposée de la demande de brevet européen spécifiée à la page suivante.

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Der Präsident des Europäischen Patentamts; Im Auftrag

For the President of the European Patent Office

Le Président de l'Office européen des brevets p.o.

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Anmelder/Applicant(s)/Demandeur(s):

Epigenomics AG Kastanienallee 24 10435 Berlin ALLEMAGNE

Bezeichnung der Erfindung/Title of the invention/Titre de l'invention: (Falls die Bezeichnung der Erfindung nicht angegeben ist, siehe Beschreibung. If no title is shown please refer to the description. Si aucun titre n'est indiqué se referer à la description.)

Methods and nucleic acids for the analysis of CpG dinucleotide methylation status associated with the development of prostate cancer

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## National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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